IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.8364 OF 2004

Shri Surgonda Tatya Patil : Petitioner

V/s.

The Deputy Collector and Competent Officer, Sangli City, Sangli & Ors. : Respondents

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Mr.A. Patil for the petitioner.

Mr.A.H.Palekar, Asstt. Govt. Pleader for the respondent nos.1 and 2.

Mr.S.S.Patwardhan for the respondent no.3.

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**CORAM : S.A. BOBDE, J.**

September 29, 2005.

P.C.:

1. Rule, returnable forthwith.

Mr.Palekar, learned Asstt. Govt. Pleader for the respondent nos.1 and 2 and Mr.Patwardhan, learned counsel for the respondent no.3, appear and waive service of rule.

Heard by consent.

2. The petitioner has challenged the letter dated 29.6.2004 issued by the Under Secretary, Urban Development

Department, Government of Maharashtra, addressed to the S.D.O., Sangli. By the impugned letter, the Government has effected an amendment to its earlier letter dated 1.4.2004 (wrongly referred to as letter dated 4.1.2004). The change is to the effect that the reference in the earlier letter to "Shri S.T.Patil, Chief Promoter, proposed S.T. Kamgar Gruha Bandhani Sanstha Maryadit, Sangli" shall be substituted by the words "Chairman, S.T. Kamgar Gharbandhani Sahakari Sanstha Maryadit, Sangli". By the earlier letter, the Government had granted excess land from C.T.S. no.222/1B to S.T. Kamgar Gharbandhani Sahakari Sanstha. The letter granting excess land refers to the petitioner S.T. Patil as the Chief Promoter.

3. It appears from the affidavit-in-reply that the Government has, after inquiry, realised that Mr.S.T. Patil is no more the Chairman of the society and, therefore, has effected the aforesaid amendment.

4. The learned counsel for the petitioner argued that the change could not have been effected without hearing him. I see no merit in this contention in view of the fact that the rules of natural justice must be met where the order results in adverse civil consequences to the petitioner. Here, admittedly, the allotment of the surplus land was

not in favour of the petitioner in his personal capacity. It was in favour of the aforesaid co-operative society. Therefore, if the Government has corrected its earlier letter making the allotment in accordance with the present position, there is no reason to interfere, particularly since there is no change in the allotment.

5. The petition is devoid of merit and is, therefore, dismissed.

Sd/-

S.A. BOBDE, J.